

MINUTES

SCOTTSDALE CITY COUNCIL

TUESDAY, MARCH 16, 2004

***CITY HALL KIVA
3939 DRINKWATER BOULEVARD
SCOTTSDALE AZ 85251***

MINUTES
SCOTTSDALE CITY COUNCIL
Tuesday, March 16, 2004

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, March 16, 2004 in the Kiva, City Hall, at 5:03 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Wayne Ecton
Council Members Robert Littlefield, Ned O'Hearn, Roberta Pilcher,
David Ortega, and Tom Silverman

Also Present: City Manager Jan Dolan
City Attorney Joseph Bertoldo
City Clerk Carolyn Jagger

Pledge of Allegiance

Councilman Silverman led the audience in the pledge.

Invocation

Reverend Jack Sylvester, Brotherhood of Man, gave the invocation.

Presentations/Information Updates

PF Chang's Rock N Roll AZ Marathon Gold Record: Rachel Sacco, Scottsdale's Convention and Visitors Executive Director, and Tim Murphy and Bruce Skinner of Elite Racing, presented the city with a Gold Record for their involvement in this race.

National Guard and Army Reserve Recognition to Rural/Metro: Bill Mack, of the US Department of Defense, presented a plaque to Rural Metro in recognition of their support of US Troops and their families, as well as, an additional plaque for Chief Steve Randall.

Tax Credit: Mayor Manross provided information about the Earned Income Tax Credit (EITC) for families with low to moderate incomes.

Public Comment

Martin Ramirez, 27 E Corona, #108, Phoenix, 85040, and Donald Carr (Interpreter), 1402 E Guadalupe #251, Tempe, 85283, described what he believed was mistreatment, discrimination, and injustices the workers at JD Steele Company are subjected to, while pointing out that JD Steel is a subcontractor working on the new water treatment plant in Scottsdale. He requested the city stop contracting with JD Steele if the mistreatment of the workers continues.

Bernard Blaustein, 15838 N 107th PI, 85255, asked for decency and fair play in regard to signage for the mayoral election.

Derrick Johnson, 4117 E Redwood Ln, 85048, spoke in support of JD Steele Company workers. He stated his belief that their jobs are dangerous and the workers are being treated unfairly.

Ms. Dolan said staff would follow up on these issues.

Minutes

SPECIAL MEETINGS

Tuesday, February 17, 2004

REGULAR MEETINGS

Tuesday, February 17, 2004

COUNCILMAN SILVERMAN MOVED FOR APPROVAL OF THE SPECIAL AND REGULAR MEETING MINUTES OF FEBRUARY 17, 2004. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

CONSENT AGENDA

ITEMS 1 - ***17A***

1. Jamaican Blue Coffee House & Café Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series 7 (beer/wine bar) State liquor license for an existing coffee house/café that previously operated without a liquor license.

Location: 4017 N. Scottsdale Road, #104

Reference: 5-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

Vice Mayor Ecton encouraged staff to work with this applicant in an expedient manner.

One comment card was received from a citizen in favor of the request but not wishing to speak.

2. Ming's Gourmet Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) state liquor license for an existing restaurant location. This establishment previously operated with a series 12 license under the business name China Legend.

Location: 10155 E. Via Linda, #H135

Reference: 6-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

3. Casa Mia Ristorante Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) State liquor license for an existing restaurant location that previously operated under the business name Ridge Café.

Location: 11675 N. 136th Street

Reference: 9-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

4. Eckerd Drugs #5321 Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new drugstore location.

Location: 32331 N. Scottsdale Road

Reference: 10-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

5. Solstice at Sevano Final Plat

Request: Approve the Final Plat for 78 residential lots on a 22-acre parcel.

Location: Southeast corner of Ashler Hills Drive and Scottsdale Road

Reference: 18-PP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-4205, rgrant@scottsdaleaz.gov; Jayna Shewak, Project Coordination Manager, 480-312-7059, jshewak@scottsdaleaz.gov

6. Abandon excess roadway along Cave Creek Road Adjacent to Mirabel Village 15 & 16

Requests:

1. Abandon excess roadway easements along Cave Creek Road between the 96th Street and 100th Street alignments that are currently located in Tract E and Tract F of Mirabel villages 15 and 16.
2. Adopt Resolution No. 6454 vacating and abandoning a portion of right-of-way and roadway easement.

Location: South side of Cave Creek Road - between the 96th Street and 100th Street Alignments

Reference: 13-AB-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

7. North Scottsdale Horseman's Park Roadway Abandonment

Requests:

1. Abandon the 33-foot wide General Land Office (GLO) patent roadway and public utility easements for parcel 217-14-001 and parcel 217-14-035.
2. Dedicate a 45-foot half street right-of-way for McDowell Mountain Ranch Road.
3. Dedicate a 45-foot half street right-of-way for 98th Street.
4. Dedicate a 15-foot wide public access easement along the Old Verde Canal at time of lot development.
5. Adopt Resolution No. 6455 vacating and abandoning a portion of right-of-way and roadway easement.

Location: 16039 N. 98th Street

Reference: 1-AB-2004

Staff Contacts: Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

Mayor Manross opened public testimony.

Leon Spiro, 7814 E Oberlin Wy, 85262, requested a staff presentation.

In response to Mr. Spiro's request, Mayor Manross reminded Mr. Spiro that this item is on the Consent Agenda. If an item is on the Consent Agenda, a staff presentation is not required unless the Council specifically requests a presentation. The Mayor stated that if the Council would like a presentation she would be glad to request one. Mayor Manross encouraged Mr. Spiro to make his comments for the record.

Mr. Spiro explained that he was simply attempting to protect his property rights. He stated his belief that the issue was far too complex to have on the Consent Agenda, and referenced a similar case in Buckeye.

Mayor Manross closed public testimony.

8. Renew Executive Search Contracts No. 2001-025-COS and No. 2001-026-COS

Requests:

1. Authorize one-year extensions of executive search contracts: No. 2001-025-COS with The Oldani Group, Inc. and No. 2001-026-COS with Shannon Executive Search, a division of CPS Human Resource Services (formerly Shannon Associates), with no increase in fees or expenses from the original contract rates approved in 2001.
2. Affirm that the third and final one-year renewal (year beginning April 2, 2005) may be administratively authorized by staff with the City Manager's concurrence, consistent with the terms of the original contract.

Staff Contact(s): Neal Shearer, Human Resources General Manager, 480-312-2604, nshearer@scottsdaleaz.gov

9. Design of Two Arsenic Removal Water Treatment Facilities at Scottsdale Airport and at 7374 E. Pinnacle Peak Road

Request: Authorize Engineering Services Contract No. 2004-017-COS with CH2M HILL in the amount of \$1,243,000 for the final design of two arsenic removal water treatment facilities.

Related Policies, References:

- a. Water Resources Master Plan, approved by City Council on October 15, 2001.
- b. Engineering Services Contract No. 2002-139-COS with Narasimhan Consulting Services for conceptual design of arsenic treatment facilities and associated pipelines, approved by City Council on November 18, 2002.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Joseph E. Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

10. Canvass of the March 9, 2004 General/Special Election and Ratification and Appointment of the 2004 Maricopa County Election Boards

Requests:

- 1) Adopt Resolution No. 6462 ratifying and appointing the Maricopa County 2004 Election Boards.
- 2) Adopt Resolution No. 6463 as the official canvass of the General/Special Election held Tuesday, March 9, 2004.

Related Policies, References:

A.R.S. 9-825 requires the governing body to appoint election board members from the qualified electors of the municipality.

Arizona Revised Statutes 16-642.A requires the governing body to canvass election results.

A.R.S. 16-646 sets out the form and content of the official canvass.

Staff Contact: Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

11. Intergovernmental Agreement (IGA) with the Department of Public Safety (DPS) for the Auto Theft Task Force

Request: Adopt Resolution No. 6461 authorizing IGA #2004-025-COS between the City of Scottsdale Police Department and DPS to allow a City of Scottsdale Auto Theft Detective to participate in the statewide Auto Theft Task Force. DPS agrees to reimburse the City of Scottsdale for 75% of the assigned auto theft detective's salary and 100% of pre-authorized Auto Theft Task Force related overtime hours per month.

Related Policies, References: As noted in the IGA, this agreement is to enhance law enforcement services concerning vehicle theft through the cooperative efforts of the parties to the agreement. DPS is authorized to enter into the IGA pursuant to A.R.S. 41-1713B.3 and both parties are authorized to enter into the IGA pursuant to A.R.S. 11-952.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5000, arodbell@scottsdaleaz.gov; Craig Chrzanowski, Lieutenant, 480-312-5357, cchrzanowski@scottsdaleaz.gov; Tom Macari, Sergeant, 480-312-2671, tmacari@scottsdaleaz.gov

12. Scottsdale Housing Agency Plan for Fiscal Year 2004

Request: Adopt Resolution No. 6446, which approves the 2004 update to the Agency Plan for the operation of the Section 8 Rental Assistance Program (Housing Choice Voucher), with funding from the United States Department of Housing and Urban Development (HUD), and authorizes submittal of the Plan to HUD. The resolution also authorizes the implementation of the Homeownership Assistance Program; the acceptance of any Housing Vouchers offered to assist current tenants of properties opting out of federal assistance; and acceptance of up to 30 Fair Share Housing Vouchers if HUD offers them in the 2004/05 program year.

Related Policies, References: Resolution No. 5772, which approves the five-Year and Annual Agency Plan and submittal of the Plan to HUD.

Staff Contact(s): Debra Baird, Community Services Interim General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Mark Bethel, Community Assistance Manager, 480-312-2309, mbethel@scottsdaleaz.gov

- 13. Construction bid award for the Sunrise Trail in the McDowell Sonoran Preserve**
Request: Authorize Construction Bid Award No. 04PB031 to Northwest Woodland Services, Inc. (NWWWS), the successful bidder, at their total unit price bid of \$123,500 for the construction of the 3.7 mile long Sunrise Trail in the southeast region of the McDowell Sonoran Preserve.
Related Policies, References: Preserve Access Areas Report; Scottsdale Trails Master Plan; Conceptual Preserve Trails Plan; Scottsdale Design Standards and Policies Manual for Non-Paved Trails
Staff Contact(s): Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov; Scott Hamilton, Trails Planner, Community Services Department, 480-312-7722, shamilton@scottsdaleaz.gov
- 14. Settlement of City of Scottsdale v. Ancala Global Co., a Preserve Condemnation Case**
Request: Adopt Resolution No. 6456 and authorize the City Attorney to settle City of Scottsdale v. Ancala Global Company, a Preserve condemnation case, Superior Court Case number CV99-016269.
Related Policies, References: Resolution No. 5337, which authorized the condemnation of the 24 +/- acre parcel for the McDowell Sonoran Preserve.
Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Robert J. Cafarella, Preservation Director, 480-312-2577, bcafarella@scottsdaleaz.gov
- Mayor Manross opened public testimony.
- Christine Kovach, Chairman of McDowell Sonoran Land Trust, PO Box 14365, 85267,** presented the city with a check in the amount of \$56,400 to be used on the Ancala purchase.
- Leon Spiro, 7814 E Oberlin Wy, 85262,** questioned the location of the property.
- Mayor Manross closed public testimony. She noted that the property is located at 124th and Cactus.
- 15. Contract for Legal Services in Connection with City of Scottsdale v. Ancala Global Company, L.C., et al.**
Request: Adopt Resolution No. 6457 authorizing the Mayor to execute Contract No. 2000-081A-COS, an outside counsel contract renewal in a maximum amount of \$40,000 with the law firm of Graham & Associates, Ltd. for legal services regarding the representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Ancala Global Company, L.C., et al., Superior Court Case No. CV99-16269, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.
Related Policies, References: Resolution No. 6457
Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

16. Contract for Legal Services in connection with City of Scottsdale v. Skyridge Estates, L.L.C., et al.

Request: Adopt Resolution No. 6458 authorizing the Mayor to execute Contract No. 2000-083A-COS, an outside counsel contract renewal in a maximum amount of \$30,000 with Graham & Associates, Ltd. for legal services in connection with City of Scottsdale v. Skyridge Estates, L.L.C., et al., Superior Court Case No. CV99-13646 brought to acquire real property necessary for the McDowell Sonoran Preserve. The contract will enable the City to continue receiving expert legal services with respect to this matter.

Related Policies, References: Resolution No. 6458

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

17. Contract Authorization for Defensive Driving Class Providers

Request: Authorize Professional Service Contract No. 2004-019-COS with the Arizona Chapter National Safety Council, and No. 2004-020-COS with the Arizona Defensive Driving School, to provide defensive driving classes to qualifying, cited individuals.

Related Policies, References: Arizona Revised Statute, 28-3392 allows an individual who is issued a citation for certain civil traffic moving violations or related local civil traffic ordinances to attend a defensive driving school. A person who attends a defensive driving school is not eligible to attend again for two years from the date of the violation.

Staff Contact(s): Janet Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov; Daniel W. Edwards, Deputy Court Administrator, 480-312-3092, dwedwards@scottsdaleaz.gov

*****17A. Development Agreement with the Arizona State Land Department and Toll Brothers to acquire property for the McDowell Sonoran Preserve and to Resolve Development Issues**

Request: Approve Development Agreement No. 2004-026-COS, between the City, the Arizona State Land Department and Edmunds-Toll Construction Company (hereinafter "Toll"), to resolve the development issues and various claims related to the City's acquisition of approximately 383 acres of property for inclusion in the McDowell Sonoran Preserve, north of Bell Road and east of the Thompson Peak Parkway alignment.

Related Policies, References: MOU dated February 23, 2004, which set the terms for final negotiations of the Development Agreement

Staff Contact(s): Joseph Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

Donna Bronski presented minor changes and clarifications to the proposed development agreement, and noted that Toll Brothers was in agreement with the proposed changes.

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN SILVERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 – 17A, INCLUDING CHANGES TO 17A. COUNCILWOMAN PILCHER SECONDED THE MOTION, WHICH CARRIED 7/0.

REGULAR AGENDA ITEMS 18 - 20

18. Modification to Engineering Services Contract for final design of the Pima Road Improvements, Loop 101 to Thompson Peak Parkway

Request: Authorize Modification to Engineering Services Contract No. 2003-114A-COS with Entellus, Inc. in the amount of \$948,560.85 for the Final Design of Pima Road Improvements (Pima Freeway to Thompson Peak Parkway), East Union Hills Interceptor Channel Project and the Pima Road Drainage System Project.

Related Policies, References:

- a. Scottsdale Foothills General Plan, 1984
- b. Bond 2000 CIP
- c. City of Scottsdale General Plan, 2002
- d. Adopted Streets Master Plan, 2003

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

Bob Johnson reviewed the background and objectives of the project, neighborhood concerns, planned improvements, and time frame for construction.

Mayor Manross said the proposed improvements would have a positive effect on the neighborhood. Vice Mayor Ecton applauded stakeholders and staff on their efforts. Councilman O'Hearn stated that a good process was followed to work with the neighbors to address their concerns. Councilman Ortega clarified that the proposed action was to modify the contract.

MOTION AND VOTE – ITEM 18

VICE MAYOR ECTON MOVED TO AUTHORIZE MODIFICATION TO ENGINEERING SERVICES CONTRACT NO. 2003-114A-COS. COUNCILMAN O'HEARN SECONDED THE MOTION, WHICH CARRIED 7/0.

One comment card was received from a citizen in favor of Item 18 but not wishing to speak.

19. Text Amendment/Environmentally Sensitive Lands Ordinance (ESLO) II -- CONTINUED TO APRIL 5, 2004

COUNCILMAN ORTEGA MOVED TO CONTINUE ITEM 19 TO APRIL 5, 2004. VICE MAYOR ECTON SECONDED THE MOTION, WHICH CARRIED 7/0.

20. Public Hearing for Adjustment of Water, Water Resources and Sewer Development Fees

Request: Conduct a Public Hearing and accept citizen comments on City's intention to adjust Water Development, Water Resources Development and Sewer Development Fees with a construction cost index increase of 1.7% effective July 5, 2004.

Staff Contact(s): David M. Mansfield, Water Resources General Manager 480-312-5681, dmansfield@scottsdaleaz.gov

John Rossman introduced the proposed adjustment. He outlined the types of projects funded through development fees, the proposed fees in each zone, and the next steps for adoption of the fees.

Mr. Klingler assured Council that he would provide information on fees from other cities as requested by Councilman Littlefield.

No public comment cards were received on this item and no action was necessary.

Public Comment - None

City Manager's Report - None

Mayor and Council Items - In response to Councilman Ortega, Mr. Bertoldo said the Los Arcos agreement with the Elman Companies was null and void since the voters turned it down. He noted that the next step would be to terminate the lawsuits.

Adjournment

With no further business to discuss, Mayor Manross adjourned the meeting at 6:03 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:

Carolyn Jagger
City Clerk

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 16th day of March 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this _____ day of March 2004.

CAROLYN JAGGER
City Clerk